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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO. 830 OF 2005

IN

REVIEW PETITION (L) NO. 27 OF 2005

IN

CHAMBER SUMMONS NO. 1144 OF 2003

IN

EXECUTION APPLICATION NO. 254 OF 2003

IN

ARBITRATION PETITION NO. 159 OF 2003

Eureka Forbes Ltd

....App/Petnr
(Orig.Plffs.)

vs.

Surya Morphy Richards Ltd

....Resp no.1
(Orig.Defnd)

AND

BANK OF INDIA

....Resp no.2
(Orig.App)

Rahul Chitnis i/b. Shreerang Shrimani for the
plffs.

Swati Deshpande i/b. M.S. Bodhanwala for the
Resps.

CORAM: S.U. KAMDAR, J.

DATE : 29TH AUGUST, 2005.

P.C. :.

1. By consent of the parties matter chamber summons is taken on board and called out for hearing. Chamber Summons is made absolute. Delay in filing Review Petition is condoned.

2. The present Review Petition is filed on the ground that the order dated 22.2.2005 erroneously records that there is a recovery certificate issued in favour of the applicant bank. It is contended that in fact there is no recovery certificate issued and therefore the order required to be reviewed and correction is required to be made. The contention raised by the learned counsel for the review petitioner is factually incorrect. Ex.C to the Review Petition is the consent terms dated 31.3.2005 filed by the Respondents in the Debts Recovery Tribunal. Para-7 and 9 reads as under :

7. Recovery certificate to be drawn up and issued accordingly without any further directions from the Hon'ble Tribunal.

9. Recovery Officer of this Hon'ble Tribunal to act on Certified copy of this order "

3. In view of the aforesaid it is clear that the recovery certificate has been issued by the Debt Recovery Tribunal in favour of the bank. Merely because the same is yet not drawn up and thus yet not available or the certified copy is yet not received by the bank does not entitle the petitioner to file the present review petition for review of my order. I thus do not find any ground of review of my order and accordingly I dismiss the Review Petition.

sd/-
